

Minutes of: CALIFORNIA STATE ATHLETIC COMMISSION
Meeting Specifics: Regular Commission Meeting
September 16, 2001 – 9:00 a.m.
El Segundo – Embassy Suites
1440 East Imperial Avenue
El Segundo, CA

1. CALL TO ORDER BY CHAIRMAN

Commissioners Present: Manuel “Cal” Soto, Chairman
Elmer Costa, Vice-Chairman
Alvin Ducheny
Van Gordon Sauter
Sanford Michelman
Armando Vergara

Staff Present: Rob Lynch, Executive Officer
Anita Scuri, DCA Legal Counsel
Earl Plowman, Deputy Attorney General
Frank Munoz, Recording Secretary
Dean Lohuis, Chief Inspector
Sal Barajas, Assistant Chief Inspector
Leydis Church, Associate Governmental Program Analyst
Rebecca Alvarez, Staff Services Analyst

2. APPROVAL OF JULY 19, 2001 COMMISSION MEETING MINUTES

Before the commission meeting minutes were approved, Mr. Lynch swore in Mr. Armando Vergara as a member of the California State Athletic Commission.

There were no corrections to the minutes. Vice-Chairman Costa commended Mr. Munoz on the minutes.

Action: Motion by Vice-Chairman Costa and seconded by Commissioner Michelman to approve the July 19, 2001 minutes without any corrections.

Vote: Unanimous

3. SUMMARY OF CHAIRMAN ACTIVITIES SINCE LAST MEETING

Before Chairman Soto gave his report, he asked all in attendance for a moment of silence in memory of all those who were lost during the September 11, 2001 attack on the World Trade Center.

Chairman Soto reported that on July 25, 2001 he along with his wife and Mr. Plowman attended a press conference at the Los Angeles City Hall for the Roy Jones vs. Julio Gonzalez bout. He stated that several media stations were there and Mr. Bob Arum of Top Rank, Inc. was the speaker at the press conference. After being introduced at the press conference, Chairman Soto stated that he spoke on behalf of the commission. He added that on July 27, 2001 he along with Commissioner Michelman and Mr. Plowman attended the weigh-in for the Roy Jones vs. Julio Gonzalez bout at the Twin Towers in Beverly Hills.

Chairman Soto stated that on September 29, 2001 he attended the Ultimate Fighting Championship show in Las Vegas. He reported that the show was well attended and he estimated that the crowd was in excess of 12,000 - 15,000. He pointed out that Mr. Lynch had advised him that about 90% of the people at that fight were residents of California. With that in mind, Chairman Soto stated that since the California commission was unsuccessful in acquiring the regulatory rights to mixed martial arts, Nevada was reaping the rewards.

Lastly, Chairman Soto commended Mr. Lynch and staff for their excellent work at the July 28, 2001 Roy Jones vs. Julio Gonzalez bout in Los Angeles.

At that point, Mr. Lynch advised the commission that the September 29, 2001 Ultimate Fighting Championship show in Las Vegas grossed, in ticket sales, one million dollars.

Chairman Soto suggested that staff research other routes of trying to regulate mixed martial arts.

4. SUMMARY OF EXECUTIVE OFFICER ACTIVITIES SINCE LAST MEETING

Mr. Lynch reported that he attended the Association of Boxing Commissions annual convention on July 25-27, 2001 in New Orleans. He stated that the convention was one of the more productive conventions that he had attended. He noted some of the following subject items that were addressed: ABC Unified Championship Rules, bout results, no contest vs. no decision bouts, boxer's licensing and drug testing.

Mr. Lynch stated that he hoped all of the commissioners enjoyed the July 28, 2001 Roy Jones vs. Julio Gonzalez bout held at the Staples Center in Los Angeles. He informed the commission that the gate was approximately 1.5 million dollars and the taxes collected were \$99,000 which was \$1,000 sort of the cap imposed by Assembly Bill 52.

Mr. Lynch informed the commission that on August 17, 2001 he along with Chairman Soto attended a boxing show at the Forum. He pointed out that the show was the first event held at the Forum in approximately 2 years.

At that point, Mr. Lynch apologized to the commission for a report that was not included which provided statistical data that was compiled by the Association of Boxing Commissions showing the number of bouts held per year in all of the states. Referencing the report, Mr. Lynch pointed out that once again California was on top for the year 2000 with 102 professional boxing events while the runner up was Nevada with 64. He added that on average California holds 2 events per week throughout the year without including the martial arts events that the commission also regulates. He ensured the commission that he would have a copy of the report mailed to them.

Mr. Lynch informed the commission that on September 8, 2001 the commission's Martial Arts Advisory Committee met to go over regulation changes. He stated that once the changes were formalized, staff would bring them before the commission. He noted that the attendees were himself, Vice-Chairman Costa, Nelson Hamilton, Paul Smith, Sal Barajas, Kathy Chilimidos, and Frank Munoz.

Mr. Lynch informed the commission that staff had received the new Rules and Regulation booklets. He passed out a copy to the commission.

Lastly, Mr. Lynch stated that AB286 (the commission's pension bill) was signed by the Governor and SB694 (Sports Agents bill) was vetoed.

Before the next agenda item was addressed, Chairman Soto congratulated Mr. Don Chargin for being inducted into the World Boxing Hall of Fame.

5. APPEAL OF RETIREMENT, SUSPENSION & FINE - ACTION

5.1 Andrea Johnson - Professional Boxer - Appeal of Retirement

Since Ms. Johnson was not present, Mr. Lynch recommended that this item be table until the next meeting. At that point, Chairman Soto polled the commission to see if they wanted to hear the item. Commissioner Ducheny stated that he would like to address the item.

Mr. Barajas reported that Ms. Johnson was retired from professional boxing based upon her performance on July 14, 2001 in Hayward and also after consultation with Dr. Smith Ketchum after the bout. In that fight, Ms. Johnson lost by a four round unanimous decision and even though she lasted the four rounds she did not appear to be in proper condition. Mr. Barajas noted that Ms. Johnson did not have any snap in her punches and she exhibited poor defensive skills. Due to this bout being considered a hard fight by Dr. Ketchum, he suspended Ms. Johnson for 45/30 and also recommended that she be retired from professional boxing. Mr. Barajas informed the commission of Ms. Johnson's record of zero wins against one loss and zero draws. He also pointed out that Ms. Johnson's opponent was also making her professional debut.

Mr. Barajas gave the commission the following options as a way to remedy the issue:

1. The commission may approve Ms. Johnson's request to reinstate her license as a professional boxer.
2. The commission may direct staff to screen Ms. Johnson in a sparring session and reinstate her license or uphold her retirement based upon that sparring session. If the commission chooses to reinstate Ms. Johnson's license, the commission could place a condition on licensure that would require her to submit to a second neurological exam and physical as well as conduct a secondary review of her license status after she has boxed one more time.
3. The commission may deny the reinstatement request and Ms. Johnson would remain retired from professional boxing.

Mr. Barajas informed the commission that he spoke with Ms. Johnson's opponent after the fight and was informed that she let up on Ms. Johnson as to not to hurt her. At that point, he recommended that Ms. Johnson remain retired from professional boxing as a health and safety issue.

Commissioner Ducheny stated that ordinarily a decision to retire a fighter based upon that person only participating in one fight would be difficult but since she did not appear he would support staff's recommendation to keep her retired.

Chairman Soto asked Mr. Barajas if Ms. Johnson had any prior experience in boxing before she became a professional boxer. Mr. Barajas stated that she did not have any experience but Ms. Johnson informed him that she did have an amateur kickboxing background. Chairman Soto asked Mr. Barajas if the amateur kickboxing background was verified. Mr. Barajas stated that Ms. Johnson applied on the day of the event and he consulted with Mr. Lohuis regarding her licensure. After their discussion, Mr. Barajas reported that he and Mr. Lohuis decided to let Ms. Johnson fight because her opponent was also making her professional debut and it was very difficult to find female fighters. He added that after that fight staff would have the information to make a recommendation on whether or not to grant Ms. Johnson a professional boxing license. He noted staffs' decision to retire her was the reason why the issue was brought before the commission.

Action: Motion by Commissioner Ducheny and seconded by Vice-Chairman Costa to deny the reinstatement of Ms. Johnson's professional boxer license and keep her retired from professional boxing.

Vote: Unanimous

5.2 Gina Guidi - Professional Boxer - Appeal of Suspension/Fine

Mr. Barajas informed the commission that Ms. Guidi requested that this issue be tabled until the next meeting so that she could be present to give her statements.

6. BUDGET REPORT - INFORMATION

Ms. Church reported that at the July 19, 2001 commission meeting, the commissioners requested that staff prepare a budget report to present to the commission at the next meeting. At that point, she detailed what the commission would find in the report:

- Page 1, the 2001-02 budget for all three of the commission's programs, support, pension and neurological.
- Page 2, the budget and expenditures for the past 3 fiscal years for the support program.
- Page 3, the budget and expenditures for the past 3 fiscal years for the pension program.
- Page 4, the budget and expenditures for the past 3 fiscal years for the neurological program.
- Page 5, identified the revenues for the past 3 fiscal years.
- Page 6, explained the proposed reductions as requested by the Governor's office of 3% (\$85,000) for FY (Fiscal Year) 2001-02 and 3%, 5%, and 10% for FY 2002-03.

Ms. Church pointed out that within the past few days the Governor's office recommended that the increase in the reduction of the commission's budget be changed from 10% to 15%. She added that that with the 15% reduction the commission would lose \$127,650 of its budget.

Mr. Lynch stated that the commission faced an \$85,000 reduction in its budget for the current fiscal year 2001-02 which staff absorbed by doing away with two vacant clerical positions. He informed the commission that the Governor's office also wanted all State agencies to create a proposed plan showing how they might go about implementing the proposed 3%, 5% and 10% now changed to 15% reduction to its budget. He added that the reductions were in fact coming out of the commission's budget and might affect travel and revenue inflow if the commission had to cancel bouts due to lack of staff. At that point, he stated that although this was going to be troublesome for the commission and staff, he pointed out that the commission had been through this before and had always survived.

Commissioner Sauter asked Mr. Lynch who were consultants. Mr. Lynch stated that the consultants were the Boxers' Pension Plan consultants and the Neurological Program consultants. He stated that the consultants were used to address problems where staff had no expertise. Commissioner Sauter asked Mr. Lynch approximately how many consultants were represented under the consultancy figure of \$94,000 that was included on the report. At that point, Ms. Church informed Commissioner Sauter that the consultants were actually the permanent intermittent inspectors. Commissioner Sauter stated that Mr. Lynch indicated that they were not inspectors. Mr. Lynch stated that he thought that they "co-mingled" the money between the three groups (Boxers' Pension Plan consultants, Neurological Program consultants, and the permanent intermittent inspectors).

Commissioner Sauter stated that the reduction to the budget was a very critical issue due to the significant impact it could have on the sport if the commission could not provide its regulatory activities. He added that at some point the commission and staff needed to sit down and go through the budget item by item so that the commission could have a very significant understanding of the budget, a chance to question the budget, and to talk about potential incremental revenue enhancements that might be available to the commission. Since the commission has the fiduciary responsibility of the budget, Commissioner Sauter stated that the commission needed to have more than a casual understanding of the budget because it looked as if there would be a possibility of the sport diminishing in the state of California due to lack of money.

Commissioner Vergara asked Chairman Soto if the commission had a subcommittee that covered these issues. Chairman Soto deferred to Mr. Lynch. Mr. Lynch informed Commissioner Vergara that there was not.

Chairman Soto stated that at the last meeting Commissioner Sauter requested that he would like to see the consultants present at the meetings when issues such as pension and neurological plans were discussed. At that point, he asked Commissioner Sauter if that was correct. Commissioner Sauter concurred but stated that he had no knowledge of the budget whatsoever and he would not be surprised if at least one or two other commissioners were also unfamiliar with the budget and the budget process. He added that this was a very critical issue for the state of boxing in California and the commission should pay very close attention to the budget and what the options might be.

Mr. Lynch suggested that at the next meeting he could invite the Budget Manager from DCA to address the commission's budget. Commissioner Sauter felt that staff should have the in-depth knowledge on the budget and it should not require an outside person. Commissioner Sauter added that the commission should not wait until the next meeting because the decisions had to be made in the near future so he suggested that there be some type of orientation session for the commissioners on the budget and the financial circumstances that surround it.

Commissioner Michelman felt that the Strategic Plan Committee could address the state of the commission's budget and could include it into the business plan. Commissioner Sauter concurred and stated that there should be some immediacy in getting the Strategic Plan/Business Plan underway. Commissioner Michelman concurred and stated that those on the Strategic Plan Committee should be debriefed on the budget and report back to the commission expeditiously. Commissioner Sauter concurred and stated that he would support that recommendation if it was made into a motion.

Action: Motion by Commissioner Michelman and seconded by Commissioner Sauter to have the Strategic Plan Committee address the budget, include it into the Plan, committee members be debriefed by staff on the budget, and report back to the commission expeditiously.

Vote: Unanimous

Commissioner Sauter asked Mr. Lynch when staff had to give the Governor's office its proposed plan showing how the commission was going to implement the proposed 3%, 5% and 15% reductions to its budget. Mr. Lynch informed him that the time had already passed. Commissioner Sauter stated that staff had reached its figures by staff reductions. Mr. Lynch concurred and stated that the two positions were already vacant. Ms. Church stated that they also decreased travel, general expenses, and the use of inspectors.

Referencing the \$94,000 consultant figure, Ms. Church informed Commissioner Sauter that the consultants were inspectors and the commission only had two outside consultants, which were Mr. Kevin Long (Pension Attorney) in the amount of \$30,000 and \$4,000 for Dr. Van Buren Lemons (Neurological Program). Since that was the case, Commissioner Sauter stated that about \$60,000 was for the permanent intermittent inspectors. Ms. Church concurred.

Commissioner Sauter asked Mr. Lynch where the impact would be in terms of the potential impact on the ability of the commission to exercise its responsibilities of supervising bouts. Mr. Lynch stated that currently it was not that significant but staff's first plan of attack would be to cut the luxury of having three to four inspectors per event to one to two inspectors per event. He added that it would be a lot more work for the inspectors and staff but the work would get accomplished.

Commissioner Sauter asked Mr. Lynch if there would be any vulnerability for the commission in terms of the inspector's ability on site to provide the level of supervision the events require. Mr. Lynch stated that he supposed something could be missed but he would hesitate to definitely say so. He added that it was easier having three or four inspectors at a show rather than one or two. Commissioner Sauter asked Mr. Lynch how the inspectors would respond to that question. Mr. Lynch stated that the inspectors would probably say that it would be easier working with a group of inspectors rather than one or two. Commissioner Sauter asked Mr. Lynch if the inspectors would say that their effectiveness would be significantly diminished if they were on site in a solitary role. Mr. Lynch concurred. Commissioner Sauter asked Mr. Lynch what would be the deterioration of the supervision of the inspectors. Mr. Lynch stated that they might miss someone not being licensed or they might allow a fighter to enter the ring without their hand wraps being checked which could result into a fighter getting a broken hand.

In the worse case scenario, Commissioner Sauter asked Mr. Lynch how much money must be taken from the commission's budget. Ms. Church responded and informed him that it would be \$127,000. Commissioner Sauter asked if there was any other way to accomplish the \$127,000 reduction without compromising the effectiveness of the regulatory practice. Mr. Lynch did not believe so because the reduction was a major hit on the budget. Since it was a major hit on the budget, Commissioner Sauter asked what percentage of the budget did the reduction represent. Mr. Lynch stated that he was not sure of the percentage off hand.

Commissioner Ducheny asked Mr. Lynch where did the \$30,000 consulting fee come from to administer the Pension Program. Mr. Lynch informed him that the monies came directly from the Pension Plan and not from the General Fund. Commissioner Ducheny stated that it was not mentioned in the budget report. Mr. Lynch concurred because the Pension Fund was a special fund and the monies were untouchable.

Commissioner Sauter stated that the commission had a responsibility to ensure that the events were correctly supervised and he did not feel comfortable to continue on with the meeting until the issues were addressed. He noted that he did not want to overlook the possibilities of staff not being able to ascertain whether people were correctly licensed or staff not being able to ascertain if a fighter's hands were correctly wrapped which could result in injuries to the fighters. He added that this was not a casual move on event and he would be happy to stand as an isolated figure because he wanted to make sure, in good judgement, that the commission had explored every way to reduce the budget without diminishing the commission's core responsibility to ensure the health and safety of the fighters and the legitimacy of the contest.

Commissioner Ducheny asked Mr. Lynch if he believed that the inspectors would still be able to perform their duties with the reduction. Mr. Lynch concurred but added that we would be prone to making consequential mistakes.

Ms. Scuri suggested to Commissioner Sauter that the commission might direct Mr. Lynch to write a letter to the Governor requesting that the cuts not be directed at it because the reduction was more of a Governor directive rather than a law. She stated that it might be possible for the Governor to understand the reason why the commission should not be subjected to the 15% reduction in General Fund monies. She noted that it would put the commission on record.

Referencing Commissioner Ducheny's question to Mr. Lynch, Commissioner Sauter asked Mr. Lynch if the reduction would not effect the inspector's duties at the events. Mr. Lynch concurred. Commissioner Sauter stated that if the professional staff felt that one inspector at a show would be able to successfully administer the commissions rules and regulations then he would go with the professional staff. He added that this raised the question of why the commission had more than one inspector at a show in the past.

Commissioner Michelman stated that he did not necessarily disagree with what Commissioner Sauter was saying. He felt that before he supported any letters being written to the Governor at least the Strategic Plan Committee could sit down and get the background on the numbers because he really did not understand some of the categories in the report. He noted that he did not know rather the cuts detailed in the report could be made without having minimal understanding of the budget. Commissioner Sauter concurred.

Mr. Jack Reiss stated that another core responsibility of the inspectors was public safety as well as safety for the officials. He believed that reducing the number of inspectors could cause a riot because the current number of inspectors stay “on top of things” by limiting the number of people in a corner or stopping certain people or groups who do “things” to start riots. He added that reducing the number could take away from those practices.

Mr. Barajas felt that it was a health and safety issue to reduce the number of inspectors. He stated that with his experience being out in the field and supervising inspectors, having a full crew at the event made it go much smoother. He noted that at some events the dressing rooms were located at some distance outside of the building which required an inspector’s presence and if there was not at least two inspectors at ringside to cover each corner several situations could occur. At that point, he informed the commission that he was threatened before at ringside but he was comforted in the fact that there were other inspectors there to help him resolve the situation. He commended Inspectors Joe Borrelli and Norman Wintjen for their alertness and cooperation regarding that situation.

Mr. Barajas stated that from what he gathered from the statements given regarding the reduction of the budget it sounded as if staff was going toward the direction of reducing the inspectors’ time out in the field to remedy the reduction. He did not believe that was necessarily the proper step and he felt that if staff looked into the reduction more in-depth they could probably find other areas that could be cut. Since it was a health and safety issue, he felt that addressing the situation with the Governor’s office was a good idea but he noted that the commission would still have to deal with the Department.

Commissioner Sauter suggested that in advance of the Strategic Plan Committee meeting regarding the budget reduction, staff prioritize the available revenue and weigh it towards the specific fulfillment of the commission’s responsibilities to ensure the health and safety of the fighters, the legitimacy of the contest, and the security of the environment where the event takes place. He noted that that was the commission’s business and the “heart” of the commission. He added that if the commission could not protect its “heart” then he would support the suggestion of writing a letter to the Governor’s office relating to them that the commission could not function with the reductions. He stated that the Strategic Plan Committee needed to meet as soon as possible so that they could report back to the commission before the next commission meeting.

Referencing the budget reduction, Ms. Church informed the commission that it was a proposal of 15% if the Governor’s office decided to do it. She stated that she had been working closely with the Budget Analyst from the Department and together they looked at all options. She noted that the commission was going to be reduced as follows:

- By salary and wages which two positions were already taken away
- The commission members would be reduced from \$10,000 to \$2,000
- The consultant amount which funds the inspectors would be drastically reduced from \$94,000 to \$51,000
- Overtime

- General expenses
- Communications
- Postage
- In-state and out of state travel

Ms. Church informed the commission that the following items could not be reduced:

- External contracts for the Pension Plan Program in the amount of \$30,000 and the Neurological Program in the amount of \$4,000
- Department Pro Rata \$137,000, which were fees the Department charges the commission.

Ms. Church stated that unfortunately the commission did not have a budget for enforcement and there were no expenditures unless there was a lawsuit. Since the commission had no money, she noted that staff had to file a Deficiency Request with the Department of Finance and the Governor's office to obtain the money to pay for the lawsuit (*Adair vs. CSAC*). At that point, she stated that she could make a presentation to the Strategic Plan Committee on the whole budget process.

Commissioner Sauter asked Ms. Church what were the incremental revenue opportunities in front of the commission, which basically meant how could the commission bring more money in. Ms. Church stated that the commission would have to go through the legislative process and asked that the commission's fees be increased through legislation. As an option, Commissioner Sauter asked Ms. Church if the promotion of mixed martial arts events would benefit the commission. At that point, Ms. Scuri stated that the commission would still need a budget augmentation because if the money came in it did not mean that the commission could spend it. Commissioner Sauter asked Ms. Scuri if the mixed martial arts events gave the commission a claim for a higher revenue allocation. Ms. Scuri stated that in theory it would. Ms. Church stated that it would help with a Budget Change Proposal (BCP).

Commissioner Sauter stated that if the commission decided to proceed with the mixed martial arts events there would be an adherent cost to the commission for administering it and the commission would not be guaranteed any offset from the State or a larger share of the generated revenue. He added that it would really come down to how the commission pled its case. Ms. Church informed Commissioner Sauter that with the information gathered from Mr. Paul Smith, member of the Martial Arts Advisory Committee, the revenues generated would far exceed the cost or expenditures if the mixed martial arts regulations and BCP were approved by the Department of Finance and the Governor's office. She noted that staff had already tried but was unsuccessful in obtaining the funding and the regulations were not approved.

Commissioner Sauter stated that this was a large complex issue and the commission meeting was probably not the right arena for starting through it. He felt that there was a concern there and he suggested that the meeting go forth to the next item but before the

next meeting he would like to see the Strategic Plan Committee meet to discuss the budget reduction issue.

7. REGULATORY OVERVIEW - ACTION

Mr. Lynch stated that during this item he was soliciting the commissions' ideas of any new regulations, amendments to current regulations, or the deletion of existing regulations. He informed the commission that staff needed to create a list by November to supply to the Department to show what the commission was going to do for the next calendar year. At that point, he gave staffs' recommendations for items that were going to be included on the list:

- Ambulances at events
- Boxer/Manager Arbitrations
- Female dressing rooms
- Instituting Muay Tai Rules into the existing Martial Arts Rules
- Weight-in time for boxers

Commissioner Michelman stated that he had mentioned before at a previous commission meeting that he would like to see some type of continuing education requirement for the various licensees. He suggested that this item be included on the list. Ms. Scuri informed him that if he wanted to make it the type of continuing education that other agencies in the Department had, which would make it a condition of licensure, then it would take legislation. She pointed out that if the continuing education was just going to be informational and not a condition of licensure then it could be covered through regulations.

Commissioner Michelman asked Ms. Scuri if the commission could start the continuing education program through regulation then seek it by legislation at a later date. Ms. Scuri informed him that if the program was just going to be informational the commission really did not need any regulations to do so. She stated that staff could create a mailer of information that the commission felt that the licensees needed to know. Commissioner Michelman stated that he would like to see something a little more formal than just randomly sending information out. He suggested that there be clinics and other things of that nature.

Ms. Scuri asked Commissioner Michelman if the licensees were going to be required to attend the clinics. Commissioner Michelman informed her that potentially the clinics would be required but in the interim the clinics would not be required but provided for the licensees as a source of information. He noted that it was probably a bad time to try to incorporate this type of program due to the budget reduction but he suggested that a nominal fee be charged to the licensees for the clinics. Ms. Scuri informed him that the law stated that a fee could only be charge if it was passed through legislation.

Chairman Soto asked Ms. Scuri if Commissioner Michelman's suggestion was going to take legislation. Ms. Scuri stated that the commission could hold a voluntary clinic but it could not try to charge a fee because that would take legislation.

Referencing the female dressing room item, Chairman Soto asked Mr. Lynch if staff already took care of that situation because at one of the last commission meetings he remembered speaking about putting up some type of curtain separating the female and male fighters. Mr. Lynch concurred but stated that he wanted to include in regulation that there be two totally separate dressing rooms altogether. Chairman Soto stated that he had been in some dressing rooms that were very large and he did not see a reason to require two dressing rooms when a curtain or barrier could be put up to separate men and women. Mr. Lynch concurred and stated that staff could draft language to require that there be a curtain or barrier to separate men and women because currently there was nothing in regulation. Chairman Soto concurred.

Ms. Scuri stated that the reason Mr. Lynch was asking for input about regulation changes for next year was because the Office of Administrative Law required by law that all agencies submit a regulatory overview for the next year of items to be included in regulation. She added that if the changes or additions were not included on the calendar other steps would have to be made to seek those changes. At that point, she asked the commission if they wanted to include standard and performance for referees and judges.

Commissioner Sauter stated that he did not understand what kind of subjects should be included into the regulatory calendar. Ms. Scuri explained that a regulation was a standard that was applied to everyone in a particular licensing category. She added that the regulation implemented, interpreted, or set specific guidelines of an existing law. For example, she stated that there was a law that allowed the commission to set the standards of how someone would become a referee. She noted that the qualifications to become a referee would be dealt with by regulations.

With that in mind, Commissioner Sauter asked if an earlier recommendation that was talked about concerning the standard and performance for referees and judges would be something that would be included for the regulatory overview. Ms. Scuri concurred. Commissioner Sauter asked if another concern that dealt with continuing education should be included on the calendar for consideration even though the commission did not have a formal structure at that point of time. Ms. Scuri concurred but stated that the language in the regulation would have to state that the commission would sponsor the clinics.

Commissioner Sauter asked Commissioner Michelman if that would address his concern. Commissioner Michelman concurred but stated that his recommendation would go a step further. At that point, Commissioner Sauter stated that he understood Commissioner Michelman's recommendation. Commissioner Sauter asked Ms. Scuri if the topic of continuing education would be included on the calendar. Ms. Scuri concurred.

Commissioner Ducheny asked Mr. Lynch if ambulances at events were already required under regulation. Mr. Lynch stated that it was not and the commission would be voting on the actual language later in the meeting to set it for a regulation hearing. He added that it was included on the list because it had to be submitted to show what the commission was planning to seek it next year.

Promoter, Mr. Roy Englebrecht stated that he supported Commissioner Michelman's recommendation of developing regulatory language to implement a continuing education program. He pointed out that there were 25-30 promoters in the state of California and the only two promoters that ever attended the commission meetings on a regular basis were himself and Don and Lorraine Chargin. He requested that the commission add to their list a requirement, as a condition of licensure, that all promoters attend commission meetings. At that point, Ms. Scuri advised Mr. Englebrecht that in order to require the promoters' attendance at commission meetings it would take legislation so she advised him to bring up that recommendation in the next item which was 2002 Legislative Proposals. Mr. Englebrecht concurred.

Mr. Barajas informed the commission that according to the rulebook and to his understanding the commission was charged with setting the standards of licensure for all licensees associated with boxing and martial arts. He noted that in the rulebook there was a section that dealt with the commission being able to develop exams for its licensees. At that point, he asked Ms. Scuri if that would be a way to administer a continuing education program through existing regulations by requiring licensees to pass an exam that the commission already had the authority to do. Ms. Scuri informed Mr. Barajas that it would depend on how much money the commission had in its budget because it would have to be a valid exam which would take a lot of work and money. She noted that there would have to be an occupational analysis for each profession and the commission would also have to obtain the services of Subject Matter Experts.

With the funding issues put aside, Commissioner Michelman asked Ms. Scuri if the commission in fact had the authority to create exams for its licensees. Ms. Scuri stated that she would have to research the commission's rules and regulations booklet before she could give an answer. At that point, she asked Mr. Barajas what section was he referencing in the rulebook. Mr. Barajas informed her that it was Business and Professions Code (B&PC) Section 18648.

Business and Professions Code Section 18648 states as follows:

18648. STANDARDS FOR LICENSURE.

The commission shall prescribe standards as necessary, for the licensure of any persons required to be licensed by this chapter or by the commission's regulations.

Mr. Barajas stated that if Ms. Scuri were to look specifically at the items that addressed each of the licensing categories she would find that they spoke about passing written exams developed by the commission. Ms. Scuri asked Mr. Barajas if that was a requirement for some of the licensees or all of the licensees. Mr. Barajas informed her that he went through the rulebook quickly but it was his understanding that it was for all licensees.

Ms. Scuri stated that it might be possible but she would have to research it. She explained that she did not think that the rules were meant for continuing education because she thought it lent more towards the standards or the minimum qualifications to show that a person was actually qualified to be licensed. Mr. Barajas asked Ms. Scuri if that would be considered an approach to continuing education if the licensees were required to take an exam. Ms. Scuri informed Mr. Barajas that the commission did not have the authority to deny a renewal of a license because a licensee did not pass an examination. At that point, she stated that she did not feel that B&PC Section 18648 was meant to be or could be validly used in that way.

Commissioner Michelman felt that B&PC Section 18648 was broad. With that in mind, he asked Ms. Scuri if it would work to not require licensees to pass an exam but require them to take a certain number of units, credits, or whatever the system the commission put in place to acknowledge the completion of a continuing education program. Ms. Scuri stated that B&PC Section 18648 was applied more to the initial licensure but not the renewal. She noted that the Legislature had allowed other agencies to require continuing education if it was going to be a condition of renewal. She added that if the commission wanted to take the licensees' vested rights to their license it would take legislation.

At that point, Mr. Barajas cited Rule 217, which states as follows:

In order to be licensed as a matchmaker, an applicant shall pass a written examination administered by the commission on California laws and regulations relating to boxing. The examination may be waived if the applicant possesses a current and valid license as a matchmaker in another state or country and has not been subject to any disciplinary actions.

Mr. Barajas stated that the Rule did talk about the initial licensure but the commission had new matchmakers coming in all of the time.

Ms. Scuri believed that B& PC Section 18648 was directed at the initial licensure and not the renewal. She explained that the Legislature permitted certain agencies within the Department to have the ability to institute a continuing education program, which specifically gave them the authority to tie it into the renewal of a license. She noted that if the commission was going to try and do something of this sort they would be on shaky legal ground unless they seek legislation.

Promoter, Mr. Don Chargin stated that the commission used to require written exams for seconds, managers and all other licensees but they were discontinued years ago. Mr. Lynch concurred but stated that when the exams were required there was ample staff plus the commission had several offices to administer the exams.

Unless the commission planned on giving exams in the near future, Ms. Scuri suggested that the commission change the regulations since they no longer required them.

Chairman Soto asked Mr. Lynch what the current practice was in regard to written exams. Mr. Lynch stated that staff did not require a written exam to become licensed.

Commissioner Michelman asked Ms. Scuri what section of the rulebook dealt with the renewal. She informed him that it would probably be under the revenue section starting with B & PC Section 18800 and following. Commissioner Michelman stated that the Sections were under Article 12, which dealt Revenue and Fiscal Affairs. Ms. Scuri concurred. Commissioner Michelman noted that the commission had nothing in the Business and Professions Code regarding the requirements the commission could or could not require for the purpose of renewing a license. At that point, he asked Ms. Scuri if all the commission had to fall back on was B & PC Section 18648. Ms. Scuri informed him that the commission had a time and fee in place, which meant that the length of term of the license ended on midnight of December 31st of the year of which the license was issued and a fee for the application.

Ms. Scuri informed the commission that they would have a problem with instituting a mandatory continuing education program as a requirement for renewal because the commission would be interfering with the licensees vested right to renewal unless the commission had the legislative authority to do so. Commissioner Michelman understood but referred to insurance brokers and insurance agents because in the insurance code there was a statute that dealt with the term renewal and initial license as one in the same. He noted that it seemed that the commission did not have anything in its codes that addressed this issue except B & PC Section 18648, which he felt was broad. With that in mind, he felt that the commission would not be prohibited from instituting a mandatory continuing education program as a requirement for renewal. Commissioner Michelman stated that he did not want to sound like he was undermining the authority of the Department but he suggested that the commission could implement the program with the worse case scenario being that the Department would step in and advise the commission that they could not do it.

Ms. Scuri felt that the Office of Administrative Law would not agree with Commissioner Michelman's ideas because they were sticklers on authority issues. She noted that all of the "sister agencies" within the Department that had continuing education programs got the authority to do so through legislation.

At that point, Commissioner Michelman suggested that the continuing education program be added to the list of the regulatory overview. Ms. Scuri advised him that the next item on the agenda dealt with legislative proposals for 2002. Commissioner Michelman

concurred but stated that the legislative process was not as easy as going through the regulatory process. He asked Ms. Scuri if there was a problem with seeking the continuing education program through the regulatory and the legislative process.

Ms. Scuri asked Commissioner Michelman if he wanted to make it mandatory through the regulatory process. Commissioner Michelman concurred but stated that he wanted to only seek the continuing education but not the exam. At that point, Commissioner Ducheny asked Commissioner Michelman if he felt that it was an appropriate time to seek the continuing education program since the commission was receiving cuts to its budget. He added that if Commissioner Michelman did want to seek it what would he want to cut or lower in the commission's budget to accommodate the continuing education program.

Commissioner Michelman stated that Commissioner Ducheny's comment was valid but until the commission knew how and what they were going to cut from the budget the commission should not foreclose looking at the idea of a continuing education program. He noted that the commission could potentially turn the continuing education program into a revenue stream. Commissioner Ducheny pointed out that it could not be a revenue stream because all monies generated would have to go back into the General Fund. Ms. Scuri stated that it was not currently a revenue stream or even a special fund because the commission was not even allowed to charge a fee.

Mr. Englebrecht suggested that continuing education could be handled by requiring all licensees to attend some or all of the commission meetings. He noted that he had learned something new at every meeting that he had attended. At that point, Commissioner Ducheny advised him that it would take legislation to require the licensees attendance. That being the case, Mr. Englebrecht stated that he agreed with Commissioner Michelman's recommendation of acting on the continuing education program and letting the Department say that the commission could not do it.

Ms. Scuri advised the commission that they could leave the continuing education program on the regulatory overview list and could decide on whether or not to seek it. She pointed out that the only purpose of having it on the list was to allow the commission the chance to seek it or not.

At that point, Commissioner Michelman recommended that the continuing education program be placed on the list so at least the commission reserved the right. He added that if the commission decided not to seek it at a later date at least they did not waive their right.

Chairman Soto asked Commissioner Michelman if the continuing education program would also be required for the veteran licensees. Commissioner Michelman stated that it would be required by all licensees. He explained that the purpose of the program would be to educate the licensees so that they knew what they were going to be involved with from all different aspects of the business and licensing of boxing. He noted that it would

also give staff the opportunity to get feed back from the licensees regarding the business of boxing and martial arts.

Action: Motion by Commissioner Michelman and seconded by Commissioner Sauter to include continuing education on the regulatory overview list.

Vote: Unanimous

Ms. Scuri stated that she suggested earlier that the standards of performance of referees and judges be added to the list. She asked the commission if they would like to include it. Commissioner Michelman concurred.

Action: Motion by Commissioner Michelman and seconded by Commissioner Ducheny to include the standards of performance of referees and judges on the regulatory overview list.

Vote: Unanimous

Commissioner Sauter asked Mr. Lynch if there were any medical issues that needed to be included on the list. He also asked Mr. Lynch where Dr. Wallace was. At that point, Commissioner Michelman asked Mr. Lynch when the regulatory overview needed to be submitted because he wanted to get input from Dr. Wallace. Mr. Lynch informed them that the list needed to be submitted by the first week of November. Commissioner Sauter asked Mr. Lynch if there was any discussion with Dr. Wallace because it was his understanding that Dr. Wallace was going to submit material regarding medical issues. Mr. Lynch and Ms. Scuri both stated that they did not receive any materials from Dr. Wallace.

Commissioner Ducheny stated that the commission had asked Dr. Wallace on numerous occasions to submit written reports and back-up materials to address the items that he wished to talk about. Commissioner Ducheny felt that it was important to get input from Dr. Wallace. Commissioner Sauter concurred and stated that it was his impression at the last meeting that Dr. Wallace was going to come in with a list of issues for the commission's consideration. He added that he was surprised that Dr. Wallace did not submit the list and was not present at the meeting.

Commissioner Michelman asked Mr. Lynch if Dr. Wallace was the Chairman of the Medical Advisory Committee. Mr. Lynch concurred.

Commissioner Sauter asked Mr. Lynch if he had any conversations with Dr. Wallace about the regulatory overview prior to the commission meeting. Mr. Lynch informed him that he had not. At that point, Commissioner Sauter requested that Mr. Lynch contact Dr. Wallace to get his input regarding the regulatory overview. Mr. Lynch concurred.

8. 2002 LEGISLATIVE PROPOSALS - ACTION

Ms. Church reported that the legislative proposals were due to the Department on September 28, 2001. She informed the commission that staff proposed Hepatitis C testing so that the Department could include it in its omnibus bill. She noted that staff did not know whether or not it would be included because the Department did not like to include anything that was controversial. At that point, Ms. Scuri informed the commission that an omnibus bill was designed for code clean up.

Mr. Lynch informed the commission that the Department felt that the commission's proposals were controversial and usually did not want any part of them but they always offered to help find an author. Ms. Scuri noted that the commission itself could propose and seek a sponsor right off the floor for anything that they wanted to see put through.

Commissioner Michelman asked Mr. Lynch if the commission missed the opportunity to put forth proposals since the list was due on September 28th. Mr. Lynch informed him that the commission did not but he reiterated that the Department would not carry them anyway. Mr. Plowman stated that the commission had to submit the list before the end of the year of proposals of what they wanted to seek through legislation next year.

Commissioner Sauter stated that the commission needed some sort of planning process so that the commission did not end up in the middle of November looking for issues to include on Legislative or Regulatory proposals because they might miss something. He explained that these types of items should be addressed as they become available so that the commission could research and make recommendations in a timely matter instead of on a last minute basis.

Commissioner Ducheny proposed that all fighters be tested for HIV, Hepatitis B and Hepatitis C before all bouts. Mr. Lynch asked if the testing was going to be required at a specific time before a bout. Commissioner Ducheny concurred and recommended a time period of 30 days before a scheduled event. After consideration, Commissioner Ducheny explained that the 30 day period might be tough to comply with because of bouts that fall out and bouts that were made at last minute. With that in mind, he suggested that the time period be within 30 days of contest or in an amount of time where blood results could be available to staff.

Mr. Englebrecht asked Commissioner Ducheny if a fighter that fought eight times a year would have to submit to eight blood tests. Commissioner Ducheny concurred and stated that a fighter could contract HIV, Hepatitis B or Hepatitis C in between fights. Mr. Englebrecht stated that currently it was tough enough to get fighters licensed and he felt that there should be some input from the promoters before the commission moved forward on this item. Commissioner Ducheny explained that he wanted to have hearings and get input from all parties that would be effected by the proposal. He added that he strongly felt that the commission needed to put something in writing because it was a serious health and safety concern. Commissioner Michelman concurred.

Although Commissioner Ducheny did not know exactly what the language would be, he wanted to have the proposal included on the list. Commissioner Sauter concurred and stated that he would like to have staff and the Medical Advisory Committee to discuss the issue with the promoters and other representatives to find whatever the most effective, reliable, but do able schedule would be. At that point, Mr. Plowman suggested that the commission direct Mr. Lynch to write a letter to the Medical Advisory Committee to get their opinions on the subject and to set a meeting.

Mr. Reiss stated that the referees should not be left out of the meetings regarding the issue because the referees were the ones that were in the ring and could also become infected from contaminated fighters. He suggested that referees be included on whatever committee the commission delegated the responsibility of hearing the issue because he wanted representation. At that point, Chairman Soto stated that he was not sure if referees could be included on the committees so he informed Mr. Reiss that staff would look into it.

Commissioner Ducheny recommended that a new committee be created that would consist of members of the commission, staff, the Medical Advisory Committee, and licensees to gain and draft language in regard to blood testing. He requested that Mr. Lynch put together a committee with representation from the mentioned groups. Mr. Lynch concurred.

To answer Mr. Reiss' question, Ms. Scuri advised the commission that pursuant to B & PC Section 18645 it stated that only licensed physicians and surgeons could be members of the Medical Advisory Committee. B & PC Section 18645 reads as follows:

There is hereby created within the jurisdiction of the State Athletic commission an Advisory Committee on Medical and Safety Standards.

The committee shall consist of six licensed physicians and surgeons appointed by the commission. The commission may call meetings of those physicians and surgeons at such times and places as it deems appropriate for the purpose of studying and recommending medical and safety standards for the conduct of boxing, wrestling, and martial arts contests.

It shall require a majority vote of the commission to appoint a person to the committee. Each appointment shall be at the pleasure of the commission for a term not to exceed four years.

Commissioner Ducheny informed Ms. Scuri that he was recommending that a new committee be formed. Ms. Scuri informed him that the commission could create any committee it wished just as long as it did not conflict with the Medical Advisory Committee. Commissioner Ducheny concurred.

Mr. Barajas asked Mr. Reiss if all he wanted to do was submit input to the commission regarding the proposed blood testing. Mr. Reiss concurred. Mr. Barajas informed him that through the legislative process there would be an opportunity to comment on the proposed language either by written or verbal communication with staff unless he wanted something more specific. Mr. Reiss stated that he just wanted to be properly represented.

Commissioner Sauter asked Ms. Scuri if the Chairman could create a special committee to address the blood testing issue. Ms. Scuri concurred. At that point, Commissioner Sauter suggested to Commissioner Ducheny that he move for the creation of a committee to achieve the goals that he wanted to seek. Commissioner Ducheny concurred.

Commissioner Michelman asked if the proposed blood testing legislation should be addressed under a sub-committee of the commission's Legislative Committee. The commission concurred.

Mr. Englebrecht stated that he concurred with the commission's decision to create a committee to get input from all persons that would be affected by the proposed blood testing legislation. He asked the commission why they did not consider a committee for the next item on the agenda (Rule 294 Emergency Equipment Required) to gather input from licensees of how they would be affected. Mr. Lynch ensured him that they would get their chance to comment. Mr. Englebrecht concurred but stated that the commission could have saved time if they would have allowed input to be gathered before the actual language was created.

Commissioner Ducheny stated that he was not proposing an ongoing committee but he was proposing a committee just to address his concerns. At that point, he made the following motion.

Action: Motion by Commissioner Ducheny and seconded by Commissioner Sauter to develop a sub-committee of the Legislative Committee to develop a legislative proposal to change the timing of the HIV, Hepatitis B and add Hepatitis C testing with input from licensees, staff and commission members.

Vote: Unanimous

Commissioner Sauter asked Commissioner Ducheny if he wanted to enlarge his motion to include the topic of ambulances at events. Commissioner Ducheny stated that the item could be settled at the meeting since it was already on the agenda. Commissioner Sauter stated that Mr. Englebrecht brought up a valid concern because a committee was not formed to address the required equipment. Commissioner Ducheny stated that if the commission wanted to create another committee it would be fine but he did not want to deal with it through his motion.

Ms. Scuri stated that the proposal regarding the ambulances at events had not yet gone through the regulatory process. She explained that the process provided an opportunity for everyone to make comments during the 45-day comment period.

For clarification, Commissioner Sauter stated that there was not a lot that the commission could do at the meeting regarding the ambulances at events except solicit opinions and move ahead. Ms. Scuri concurred. This being the case, he stated that the commission was not going to make any decisions at the meeting about ambulances at events. Ms. Scuri concurred but stated that the only decision the commission would make would be to whether to set it for hearing.

Commissioner Michelman requested that continuing education with the potential of seeking legislation to make it mandatory to be licensed and to have a fee be charged for the attendance at the continuing education clinics be added to the 2002 Legislative Proposals. He stated that he would like to get in on the agenda so the commission reserved the right so that if it did not work out going through regulations then at least the commission had the option to seek it through legislation.

Action: Motion by Commissioner Michelman and seconded by Commissioner Vergara to include on the 2002 Legislative Proposals the topics of continuing education with the potential of making it mandatory as a condition of licensure and to administer a fee to be charged to the licensees for the attendance at the continuing education clinics.

Vote: Unanimous

Commissioner Ducheny asked Ms. Scuri if it would be possible to get outside money and put it into a fund for the required \$200,000 - \$300,000 that is needed to “jump start” the mixed martial arts program through legislation. Ms. Scuri stated that she would have to do some research but she knew that there were ways that State agencies could accept gifts. She noted that it was a proscribed procedure that was under the Department of Finance. She added that the money that would be generated would have to be appropriated through legislation before the commission could spend it.

Mr. Lynch asked Ms. Scuri if the commission could set mixed martial arts up separate from the General Fund and create it as a special fund. Ms. Scuri concurred and stated that it would take legislation.

Ms. Scuri explained that the commission had the authority to promulgate the regulations on mixed martial arts but the commission did not have the funding. Since the commission did not have the funding or the appropriation, she stated that the Department of Finance did not sign off on the regulations. She pointed out that the legislation that the commission would need would be an appropriation. Commissioner Ducheny concurred but asked Ms. Scuri if there was a way to set up a fund so that when the commission appears before the Appropriations Committee the commission would have the money and would be able to ask that the bill be approved. Ms. Scuri informed him that she would have to research it before she could give a definite answer.

Commissioner Ducheny stated that perhaps the commission did not have to appear before the Appropriations Committee because it would not cost any money if the commission had the required funds from outside sources. She reiterated that she would have to research it.

Mr. Plowman recommended that the commission could also seek through legislation a temporary loan from the Department to implement the mixed martial arts program. Commissioner Ducheny did not feel that there was a chance to get a loan from the Department due to the recent and proposed cuts that the commission and the Department faced. Mr. Plowman informed the commission that the Department had in its budget agency special funds that could be borrowed from. Ms. Scuri pointed out that Bureaus within the Department could only borrow funds. Mr. Plowman stated that through legislation the Governor could borrow from it. Ms. Scuri stated that she would look into it.

Action: Motion by Commissioner Ducheny and seconded by Vice-Chairman Costa to move forward with legislation that would allow the commission to move forward with mixed martial arts.

Vote: Unanimous

9. RULE 294 - EMERGENCY EQUIPMENT REQUIRED - ACTION

Ms. Church reported that the Medical Advisory Committee met on July 7, 2001 and determined for health and safety reasons that emergency equipment such as an ambulance and paramedics be required and have necessary access at all events. From contacting other states, Ms. Church pointed out that California was one of the few states that did not require on site access to an ambulance and paramedics at each event.

Ms. Church informed the commission that Ms. Scuri drafted two options, which the commission would have to choose from to set for hearing. She recommended option #2. She explained that once the commission picked one of the options, staff would set it for a regulation hearing and every person on the commission's mailing list would have a chance to comment on it. She noted that if the commission wanted to they could create their own language for the required emergency equipment.

For the record, the two options state as follows:

Option 1

294. Emergency Equipment Required.

The club shall ensure that the following emergency equipment is available at ringside:

- (a) oral airway,*
- (b) and stretcher.*

The club shall also ensure that an ambulance and two paramedics are at the site of the event.

Option 2

294. Emergency Equipment and Access Required.

The club shall ensure that there is adequate access for a medical evacuation should that become necessary during or after a show and that the following emergency equipment is available ~~at ringside~~:

- (a) ~~oral airway,~~
- (b) ~~stretcher.~~

Oral airway and stretcher are available at ringside.

(b) An ambulance and two paramedics.

Commissioner Michelman recommended that the commission hear from persons who were present at the meeting regarding the proposed options. He stated that off hand he would recommend option #1 but he would like to hear from the people who actually would be "footing the bill" before he could make a definite choice.

Ms. Scuri explained that option #2 required that an ambulance and paramedics be on site with adequate access for medical evacuation. She stated that this concern was a result of a fight that occurred at a shipyard in New York where a fighter died because adequate access for medical evacuation was not available. Mr. Plowman concurred and stated that Dr. Wallace was the person who brought this concern to the commission.

Commissioner Michelman stated that he had read option #2 and felt that it did not necessarily say that an ambulance had to be at an event rather it lent more toward adequate access. Ms. Scuri asked that he keep reading option #2 because it stated that adequate access had to be available in case of a medical evacuation and emergency equipment be available. Commissioner Michelman stated that the emergency equipment had to be available which meant if something happened would the paramedics be able to get there in "X" amount of time. Ms. Scuri understood Commissioner Michelman's concern.

Mr. Lynch stated that the language could be changed to require that the ambulance and paramedics be available. Commissioner Michelman did not think that changing the wording was necessary because option #1 could accomplish the goals of option #2 by switching the word "available" to "require". He stated that what was the point of having paramedics at events if they could not get to the situation. He explained that he was looking more at option #1 which dealt with the emergency equipment being on site whereas in option #2 it dealt with a reasonable standard to get to a situation. With that in mind, he did not know which one would be better per se without hearing from those

charged with the responsibility. Chairman Soto asked him if he would like to hear from the promoters present at the meeting. Commissioner Michelman concurred.

As a promoter, Mr. Englebrecht felt that this item was a critical issue because he would want an adequate response to a fighter who needed medical attention. He stated that usually promoters already had two ringside physicians per event, which made him feel that there was an immediate medical response. He noted that at his events he also had local Emergency Medical Technicians (EMT) who worked his events and were in close contact with the nearest paramedic unit in the area or a dispatcher. He added that if either option #1 or #2 were passed which required an ambulance and paramedics at all events it would be a financial burden because he would have to absorb the cost of \$600 per event that he promoted.

Mr. Englebrecht suggested that the commission create another option that would state that if there were no EMT's on site there would have to be a paramedic unit within a 5-minute response time or within a 4 mile radius that would be able to respond immediately. Since there were two ringside physicians already required at shows, he pointed out that they could respond to a situation quickly and have the required equipment readily available. He stated that he would hate to be required to hire two paramedics and an ambulance because the paramedics could potentially charge more if they were required to work after a certain hour, which could increase the \$600 fee.

Commissioner Michelman asked Mr. Englebrecht if there was a way for him to offset the cost. Mr. Englebrecht stated that he could increase the price of tickets or work out something with the Paramedic Company by offering a certain amount of tickets to their employees for services rendered. He added that the cost of promoting was increasing every year and with that additional expense it would be another hit to his budget. At that point, he asked the commission to not require an ambulance and paramedics on site at events.

Chairman Soto asked Mr. Englebrecht how far was the nearest hospital from his event locations. Mr. Englebrecht stated that at the Irvine Marriott Hotel the nearest hospital was about 4 miles away and there was a fire station that was about 3 miles away. He informed the commission that when he promoted at the Anaheim Arrowhead Pond they were 1 mile away from a fire station that had a paramedic unit and in Bakersfield they were right across the street from the local police and fire station. He added that at the Indian Reservations he did not know but he felt that they had to have some type of protocol since they were out in the country.

Chairman Soto informed the commission that a few years back a ringside physician took a fighter to the hospital in his own personal car. He asked Ms. Scuri if it was illegal for a ringside physician to do that. Ms. Scuri informed him that it was not. At that point, Mr. Reiss recommended that Dr. Wallace be involved in the decision making process regarding this issue.

Mr. Reiss stated that he had read the rules regarding the required equipment (oral airway and stretcher) and felt that the commission should also require that a tank of oxygen be included at ringside. He explained that if a fighter went into shock oxygen could be given. He pointed out that oxygen was given all the time during traumatic incidences and it was deemed a blanket type of prescription, which meant that it could not hurt but it could help. He reiterated that he felt that Dr. Wallace should be included on this topic because if the commission did not require paramedics present at events then at least they could require proper equipment. He added the commission should also establish set procedures of how to evacuate a fighter who needed medical attention. He noted that he and Dr. Wallace had discussed the procedures before and he detailed topics to the commission as follows:

- Who was going to carry the fighter out of the ring
- Where would the injured fighter be taken back stage
- Who would place the phone call to the paramedics
- Where would the paramedics have access to pick up the injured fighter

Mr. Reiss stated that set procedures would really help because it would save valuable time and also cut back on everyone jumping in the ring to help the injured fighter.

Commissioner Sauter stated that the commission discussed the Beethoven Scotland situation and gathered that there were two problems. He explained that the first problem was they did not have an effective way to get Mr. Scotland off of the ship, which ended up being detrimental to the fighter. He added that the second problem was that they took the fighter to an emergency room that was not accepting anymore emergency cases so they had to go to a second hospital. At that point, he felt that Dr. Wallace needed to be present to discuss this matter.

Commissioner Sauter suggested that a new option be created that would protect the promoters as well as the fighters. He stated that it would have to be very specific as to what kind of capabilities were needed to properly address the emergency equipment issue. At that point, Ms. Scuri advised the commission that they could always bring this topic up at another meeting.

Chairman Soto asked Mr. Chargin to give his opinion on the issue. Mr. Chargin stated that he could see what Mr. Englebrecht was saying but he would not put on a show without an ambulance being present. He explained that over the years promoting he always had an ambulance present with the fee being around \$400 per event which he deemed was a cost of doing business. Chairman Soto asked Mr. Chargin if he also used paramedics. Mr. Chargin stated that he used EMT's or paramedics. He noted that it was much easier having them present because he knew that they would have all the necessary equipment to attend to the fighters if they needed medical attention or a medical transport.

Commissioner Michelman asked Mr. Chargin if EMT's had the required equipment that was stated in options #1 and #2. Mr. Chargin concurred. Commissioner Michelman stated that it might be prudent to require an ambulance stocked with the required equipment instead having the required equipment on site plus an ambulance. The commission concurred. At that point, Mr. Chargin stated that when an ambulance was hired for an event they usually had all required equipment plus other equipment as needed.

Mr. Reiss explained that there were two different types of responses, which were an EMT or paramedic. He noted that the State of California certified both EMT's and paramedics for the use of defibrillators and the only difference between the two was that paramedics could administer drugs. At that point, Commissioner Michelman asked if that was required under law. Mr. Plowman concurred.

Mr. Englebrecht stated that he always had the required equipment such as a stretcher and oral airway at his events. He suggested that the commission create another option that could require either paramedics or EMT's presence at events. He noted that the EMT's were less costly than paramedics and they could do just about anything but administer drugs. He added that he did not feel that any drugs would be necessary to administer at shows any ways.

Commissioner Ducheny understood Commissioner Sauter's opinion of having Dr. Wallace presence to continue discussing the matter but he wished to move on the item without Dr. Wallace's presence. Commissioner Michelman concurred but stated that he would like to hear Dr. Wallace's opinion of EMT's vs. paramedics; however, he felt that there were some good points made in terms of what was actually required. He added that he did not know what the most efficient way was to go about resolving the issue because of the following:

- Should EMT's or Paramedics be required
- Should it specifically be broken down into stretchers and oral airway
- Should the EMT's or Paramedics be required to have an ambulance stocked with the required equipment

With that in mind, Commissioner Michelman stated that he did not know if option #1 or #2 addressed the issue. Ms. Scuri advised him that the commission could change it any way they liked.

Commissioner Ducheny stated that he would go with a motion that would require an ambulance with all necessary equipment at all events in California. He pointed out that he would also like to have the option of either EMT's or paramedics because the commission already required the presence of two licensed physicians (ringside physicians) at events.

Mr. Chargin explained that when a fighter was injured the ringside physician was in charge until the fighter was taken away. He noted that in some cases where the fighter was injured badly the ringside physician could accompany the fighter to the hospital and instruct the EMT's or paramedics of what medical steps to follow until they reached the hospital.

At that point, Ms. Scuri made the following recommendation:

294. Emergency Equipment and Access Required.

The club shall ensure that an ambulance and two paramedics or emergency medical technicians are available at the site during and after a show and that there is adequate access for a medical evacuation should that become necessary.~~that the following emergency equipment is available at ringside:~~

- (a) ~~oral airway,~~*
- (b) ~~stretcher.~~*

Commissioner Michelman asked Ms. Scuri if the EMT's or paramedics with ambulance should be required before, during, and after the events. Ms. Scuri stated that it could be possible for a person to have a medical emergency before the event takes place. Commissioner Ducheny felt that it should be required during and after because whatever happened before the event, in the crowd, was the responsibility of the arena. At that point, Mr. Reiss stated that the purpose of the EMT's or paramedics with ambulances was for the fighters and not the crowd. He added that he felt that Dr. Wallace should be present to address the issue.

Action: Motion by Commissioner Ducheny and seconded by
Commissioner Michelman to set the modified version for
regulation hearing.

Vote: Unanimous

10. COMMITTEE REPORTS - INFORMATION/ACTION

10.1 Arbitration Committee Report

Mr. Lynch reported that he and Mr. Plowman attended two out of four scheduled hearings because the other two did not show up. He noted that the two hearings that were attended already had decisions in place. He added that there were more scheduled for December 5, 2001. At that point, Mr. Plowman reported that there was only one hearing scheduled so far for December 5, 2001 but there was another hearing that was outstanding in San Diego that needed to be addressed.

Due to the budget reduction, Chairman Soto asked Mr. Lynch if the persons attending the hearings were required to come to the Los Angeles office or did he travel to their location. Mr. Plowman stated that if the parties were in the Los Angeles area then

usually they held the hearing(s) at the Los Angeles office but travel was needed on occasion.

10.2 Pension Plan Review Committee Report

Mr. Lynch informed the commission that Mr. Kevin Long, the commission's pension consultant, would be appearing at the December meeting to give his thoughts on the progress of the pension plan and to give his review on the last report which was provided by the broker. He informed the commission that the reason why it took so long for Mr. Long to address the commission was because the Department took its time processing his contract. Since a contract was now in place, Mr. Lynch noted that Mr. Long was now available to work with the commission.

Commissioner Ducheny reported that he had tried to set up a meeting with the Fantasy Springs Indian Reservation. He stated that he had been speaking with their public relations person and was unable to confirm a date to discuss the Professional Boxers' Pension Plan. He noted that he was still in the process of confirming a date. At that point, he asked the commission if they could also try to arrange meetings with persons that they know from the other Indian Reservation to discuss the pension plan.

Commissioner Sauter suggested that Commissioner Ducheny speak with Attorney Dickerson who represented the majority of the Indian Reservations politically. He stated that he knew Mr. Dickerson and would contact him to see what help could be provided.

Commissioner Michelman suggested that Commissioner Ducheny contact Tom Finny. He noted that Mr. Finny also was in close contact with various Indian Reservations. Commissioner Ducheny concurred but stated that the main people that he wanted to get in contact with were the actual Tribal Members because they were the ones that made the decisions.

Commissioner Ducheny stated that he basically wanted to arrange an agreement with various Indian Reservations to implement some type of payment into the pension plan. Although it might be hard to achieve the goal with all of the Indian Reservations, he stated that he would be thankful for any help that he could get and would be happy to attend any meetings that were arranged.

10.3 Medical and Safety Standards Advisory Committee Report

This item was addressed in item 9.

10.4 Legislative Committee Report

This item was addressed in item 8.

10.5 Officials' Committee Report

Vice-Chairman Costa reported that all of the referee evaluations had been good for the past month. He informed the commission that he had one concern, which dealt with the ten-second warning. He explained that a lot of the veteran referees were not getting in close enough at the ten-second warning to stop the round which could result into problems with the corners if the fight continued after the bell. He noted that he spoke with Referee Evaluator, Mr. Larry Rozadilla, and asked that he make sure that the proper mechanics were used at the ten-second warning to resolve the problem.

Chairman Soto asked Vice-Chairman Costa if he wanted the referees to get in closer while the fighters were fighting. Vice-Chairman Costa concurred and stated that he wanted the referees to get in closer but not on top of the fighters. He stated that the referees just needed to be close enough to stop the round when the bell rung.

Mr. Rozadilla stated that there was a section on the Evaluation Report where he could make comments. He explained that if there was a problem with the ten-second warning he would mark the "Ten-Second Intervention" and explain the problem or commends the referee for a good job. He noted that he always explained the evaluation with the referees after the bout or show and also answered questions concerning the evaluations.

Vice-Chairman Costa stated that there was a bout in San Francisco on September 28, 2001 at the University of San Francisco's gym. He explained that he received a lot of complaints from the Northern California Officials regarding the assignment of a Nevada referee to officiate a bout in Northern California. He pointed out that the major problem was that the officials felt that there were many capable referees in Northern California but a Nevada referee was chosen. In his opinion, he felt that the Nevada referee did a poor job.

Mr. Rozadilla asked Vice-Chairman Costa if the referee was originally from California or Nevada. At that point, Mr. Lynch informed the commission that it was referee, Mr. Robert Byrd, who formally resided in California and had a current license.

Mr. Rozadilla stated that he also had received complaints from the Southern California officials regarding the use of Mr. Byrd at events. Although Mr. Byrd was no longer a resident in California, Mr. Rozadilla pointed out that he was still receiving assignments probably because he was still licensed in California until December 31, 2001. He noted that Nevada would probably not allow their referees' to continue receiving assignments if they moved out of state.

Chairman Soto asked Mr. Lynch if Mr. Byrd would still receive regular assignments during the next licensing year. Mr. Lynch informed him that Mr. Byrd would not be receiving assignments due to him being licensed and residing in Nevada.

Vice-Chairman Costa stated that he watched the recent Mike Tyson fight and saw the referee walk to the corner of Tyson's opponent. Since the referee stopped the fight in

Tyson's favor, Vice-Chairman Costa pointed out that the referee hugged the opponent and said, "I love you man." At that point, he stated that he did not think that a California referee would do that. The commission concurred.

Chairman Soto reported that he received all good evaluations but only one was marked excellent. He stated that he was not going to mention the name but he asked Mr. Rozadilla to comment. Mr. Rozadilla stated that he usually marked the "Satisfactory" box when a referee performed at the level but if the referee far exceeded the level then he would recognize it by marking the "Excellent" box. At that point, Vice-Chairman Costa stated that it was a good job to praise a referee because it would make the referee do an even better job during the next event.

10.6 Amateur Boxing Committee Report

Chairman Soto appointed Commissioner Vergara to the Amateur Boxing Committee.

10.7 Strategic Plan Committee Report

Mr. Lynch reported that in the near future he, Commissioners Sauter and Michelman would meet to get "the ball rolling". Commissioner Sauter concurred and stated that with the recent topics that had come before the commission he felt that a Strategic Plan was critical for the commission.

10.8 Martial Arts Advisory Committee

Mr. Hamilton reported that he had attended numerous meetings throughout the year in regard to martial arts. He stated that there was very little to report on because members of the committee for the most part were not out on the field and did not know what was really going on besides what they learned during meetings of the committee. He suggested that information be shared to members of the commission about what was going on in the martial arts community. He noted that the commission regulated kickboxing, Muay Thai, and Draka but they knew little of the sports.

Mr. Hamilton stated that he was very involved with mixed martial arts and was disappointed that the program was not approved. He noted that there were numerous shows going on across the United States and the State of Nevada was making all of the money that California could have made if the regulations and appropriations were passed. He added that the majority of the fighters as well as the audience that attended the shows in Nevada were from California. At that point, he requested that a representative from the Martial Arts Advisory Committee report to the commission at various meetings to give an update on the martial arts community and their concerns. The commission concurred and suggested that he keep in close contact with the martial arts community.

Commissioner Ducheny asked Mr. Hamilton that any time that he wished to make a report to the commission he supply staff with a written report in advance so that the commission could be prepared to ask him questions. Commissioner Michelman concurred. Mr. Hamilton stated that he would provide a written report.

Mr. Barajas commended Mr. Hamilton with the information that he provided in regard to the Muay Thai rules. Mr. Barajas stated that he looked forward to meeting with Mr. Hamilton in the future.

11. AGENDA ITEMS FOR FUTURE MEETINGS

Commissioner Sauter suggested that the meeting table be rearranged into a U-shape or a half circle to better communicate with fellow commissioners during the meeting. The commission concurred.

Commissioner Michelman requested that the commission be debriefed at the December commission meeting on how a third party could give a financial gift to the commission in regard to the mixed martial arts program. He stated that any research on the subject would be appreciated so that the commission could have some understanding.

12. COMMISSIONERS' COMMENTS AND/OR RECOMMENDATIONS

Vice-Chairman Costa recommended that the commission require at least two to three inspectors per show due to the amount of work that occurs at events.

Chairman Soto stated that there needed to be some type of control with who enters the ring after the fight. He noted that he witnessed numerous persons entering the ring after fighters and many of them were friends of the fighters' who did not need to be in the ring. He recommended that something needed to be done especially following the September 11, 2001 tragedy.

Commissioner Vergara asked Mr. Lynch how parties were notified of the commission meetings. Mr. Munoz informed him that the commission had two mailing lists, which dealt with the commission meetings. One was the Upcoming Commission Meeting list, which was composed of about 350 people, and the other was the Agenda Mailing list, which was composed of about 150. He explained that persons were added to the mailing lists by calling or writing to staff requesting that their names' be included. He noted that the lists included licensees and other interested parties.

13. PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA

Mr. Hamilton stated that MMA stood for mixed martial arts and the terms no holds barred and cage fighting were derogatory terms that were previously used for the sport. He informed the commission that there were a number of rule changes, which resulted into it becoming legal in Nevada. He noted that five years ago Nevada vowed that MMA would never be legalized there but with constant bombardment from the various MMA organizations and the rule changes it ended up becoming adopted. He added that the hard work that the California commission did in regard to creating the regulations for MMA resulted into other States augmenting the California regulations to implement their own MMA program. At that point, he recommended that when the commission considered

implementing the program again it should uniform the rules with the other States so that it could be easier to regulate as was the case for boxing.

Mr. Hamilton asked the commission to forget about whatever it heard in the past about MMA because it was no longer viable. He stated that it was a sport that had a number of publications, which were well represented and respected in the martial arts community. He explained that people who competed in the sport had a passion for something that the commission might not understand and they should not be looked at as a bunch of renegades or crazy people.

Mr. Hamilton informed the commission that Terry Treumblecock promoted MMA events at the Sobaba Casino every other month for the past several years. He noted that the events drew anywhere from 2,500 to 4,500 people in the middle of the desert. He stated that Mr. Treumblecock advised him that he would have no problem coming to Los Angeles three times a year and selling out the Olympic Auditorium. With that in mind, Mr. Hamilton pointed out that MMA was not a fly by night sport and the more the commission became familiar with it the better understanding they would have of the sport. He felt that it was imperative for the commission at some point in time to regulate it because it would be money for the commission's budget.

Mr. T.J. Martin from San Diego University School of Law - Center for Public Interest Law stated that his personal interest was regarding the commission seeking, on an individual basis, funding for the Professional Boxers' Pension Plan from the Indian Reservations. He asked if the commission planned on doing anything on Indian Reservations as a whole within the State of California to try and compel them to pay into the Professional Boxers' Pension Plan. Ms. Scuri stated that compelling would not be possible. Mr. Martin asked if it was at least going to be explored because it was his understanding, at least case wise, that it had not been set clearly that they could not be compelled. He wondered if the commission recognized that issue and if they planned on dealing with it in the future.

Commissioner Ducheny stated that he supposed that the commission could look into litigation but it would not come from him because he was not interested with compelling the Indian Reservations to do anything.

Commissioner Michelman recommended that Mr. Martin draft a memo to the commission for their review so that they could understand what ideas he wanted to put across. He added that if there was something out there more information would be better. Mr. Martin stated that maybe using the word compel was wrong because he was not looking for litigation either but he was looking at efforts that had already been made and if there were future plans of bringing them on broad.

Commissioner Ducheny stated that the best way to move forward on this would be to receive contributions on a voluntary basis from the Indian Reservations. He noted that this was a very important issue to him because it would really help the fighters out.

The meeting adjourned at 12:45p.m.

The draft minutes were prepared by:

FRANK MUNOZ

DATE

The final minutes were prepared by:

FRANK MUNOZ

DATE